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Food and Agricultural Import Regulations and Standards

Guidance on Implementation of the new Goods Labeling Regulations

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Report Highlights:

On April 6, 2007, Vietnam's Vice Minister of Science and Technology, Mr. Tran Quoc Thang, signed Circular No. 09/2007/TT-BKHHCN, which provides guidance on the implementation of those areas of the new goods labeling regulations (see VM7037) that fall under the jurisdiction of the Ministry of Science and Technology.

This report provides an unofficial translation of the Circular.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
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[VM]

MINISTRY OF SCIENCE AND
TECHNOLOGY

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness
* * *

No. 09/2007/TT-BKHCN

Hanoi, April 6, 2007

CIRCULAR

Guidance on the implementation of Certain Articles of Government Decree 89/2006/ND-CP, dated August 30, 2006

Pursuant to Decree 54/2003/ND-CP dated May 19, 2003 of the Government stipulating the functions, tasks, power and organizational structure of the Ministry of Science and Technology and Decree 28/2004/ND-CP dated January 16, 2004 of the Government on amendment of and addition to some articles of Decree 54/2003/ND-CP;

Pursuant to Decree 89/2006/ND-CP dated August 30, 2006 of the Government on labeling of goods;

The Ministry of Science and Technology shall guide some contents on labeling of goods as follows:

I. GENERAL PROVISIONS

1. Recording supplementary labels

a) Supplementary labels shall be used for goods imported in accordance with the provisions of Clause 3, Article 9 of Decree 89/2006/ND-CP dated August 30, 2006 of the Government on labelling of goods. (hereinafter called Decree 89/2006/ND-CP for short).

b) Supplementary labels shall have to be attached to goods or their commercial packings, not conceal the contents of the origin labels. The contents recorded on supplementary labels shall not lead to misunderstanding of the contents of the original labels.

c) In case where Vietnam's law on labelling of goods requires to record additional compulsory contents, which do not appear on the original label, the organization or individual recording the label shall be responsible for the truth and accuracy of the contents. The contents additionally recorded on the supplementary label shall not lead to misunderstanding of the contents of the original label.

2. Discriminating commercial packings from packing containing goods not being commercial packings

The following packings shall not be called as commercial packings

Packings are used for storing, transporting and preserving the labelled goods;

b) Bags are used for containing goods when purchasing goods;

c) Bags are used for containing unpacked goods, which taken out from the larger bags of goods for retail purpose;

d) Containers holding goods, tanks used for transportation of oil and petrol, liquid and unpacked cement.

3. Languages presented on goods label

a) If the contents of goods label in Vietnamese is translated into other languages, the contents of the label in Vietnamese shall not be led to misunderstanding.

b) For contents which is not compulsory and recorded in languages other than Vietnamese, the contents shall not be translated into Vietnamese, and shall not lead to misunderstanding about the substance, uses and other contents of the label.

c) With respect to the same content on the original label, the size of letters in other languages shall not be larger than the size of letters in Vietnamese.

4. Responsibility to record the label of goods

a) For goods manufactured, assembled, processed or packaged in Vietnam for domestic circulation, the organizations and individuals completing the goods or the last finishing stage of the goods before putting it into circulation shall have to record the label of goods.

b) In case where organizations and individuals responsible for labelling the goods as stipulated in Article 10 of Decree 89/2006/ND-CP require another organization or individual to carry out the labelling, the organizations and individuals responsible for labelling the goods shall still be responsible for labelling of the goods.

For example: An organization or individual importing goods may requires the manufacturer or another domestic or foreign organization to label the goods that such organization or individual imports through a contract or agreement, but the importing organization or individual shall still be responsible for labelling of the goods when it is circulated in Vietnam.

c) In case where the label of goods is recorded insufficiently or not in accordance with the law, the organization or individual producing or trading the goods labelled insufficiently not in accordance with the law shall add the insufficient content or shall cross off the wrong content in accordance with the request of the State management body or by itself.

- Adding content to the label by recording directly on the label of the goods or by recording on other material and sticking it on the label without covering the information on the label of goods.

- Crossing off the content wrongly recorded on the label of goods shall have to ensure that it cannot be recovered as before.

II. CONTENTS OF THE GOODS LABEL

1. Recording the label of goods in accordance with Article 12 of Decree 89/2006/ND-CP

a) Organizations and individuals shall determine which category, the goods that they produce or import, fall within in accordance with Article 12 of Decree 89/2006/ND-CP in order to record the correlative compulsory contents.

- Pursuant to the use of goods to classify

For example: type and tube of motorcycles are classified in Clause 44 (Spare parts of means of transportation), not classified into Clause 22 (Plastic and rubber products).

- In case where goods has many uses, the goods is classified pursuant to the main use.

Desktop telephone with night-light and digital watch is classified into Clause 35 (Informatic, communication, post and telecommunications equipment), not classified into 34 (Electric and electronic products).

- In case where goods is classified into more than category, the goods shall be classified into the category with more reasonable use and substance.

For example: orange juice is classified into Clause 3 (Drinks), not classified into Clause 2 (Foodstuff).

- In case where goods cannot be classified in accordance with this provision, the classification shall be carried out in accordance with the Harmonized Commodity Description and Coding System (HS).

For example: chemical preparations used for preventing pregnancy (HS: Chapter 30 - Pharmaceutical products) are classified into Clause 7 (Medicines for human use), not classified into Clause 12 (Chemicals for domestic human use).

b) In case where ministries in charge of the relevant branches make detailed provisions on goods falling within groups as stipulated in Article 12 of Decree 89/2006/ND-CP, the classification of goods shall be conducted in accordance with the provisions of the ministries in charge of the relevant branches.

2. Name of goods

a) In case where the name of an ingredient is used as the name or part of the name of the goods, the quantity of such ingredient must be recorded in accordance with Clause 2, Article 18 of Decree 89/2006/ND-CP.

For example: With respect beef sausage, the quantity of beef must be recorded close to the name of goods: "beef sausage (30% beef)" or in ingredient content: it is recorded that "beef is not less than 30%" or it is recorded separately on the label: "30% is beef".

b) For additives which are flavorings or colorings, and such flavorings and colorings are recorded in conjunction with the name of goods, the quantity of additives may not be recorded;

For example: "cleansing milk with apple flavoring", "pink lipstick", "mulberry-flavored sterilized milk", the quantity of additives such as apple-flavoring, pink coloring or mulberry-flavoring shall not be recorded, but the ingredients of additives must be recorded in accordance with law.

c) In case where the name of extractive or essence from natural materials is recorded in conjunction with the name of goods, the quantity of extractive or essence or equivalent quantity of materials to be used to create such amount of extractive or essence shall have to be recorded.

For example, cleansing milk is extracted from watermelon, it may be recorded that 0.001% watermelon essence or 200g watermelon per product unit.

3. Name and address of organizations or individuals responsible for goods

a) Names of organizations and individuals and place-name shall not be abbreviated.

For example: Hoang Phu Company in Tien Son Industrial Zone, Tien Du, Bac Ninh, the words: "Hoang Phu", "Tien Son", "Tien Du", "Bac Ninh" shall not be abbreviated as "HP", "TS", "TD", "BN".

b) In case where products or goods are produced at the place of registration of business, the label shall be recorded with name and address of the production establishment in accordance with the business registration.

For example: Manufactured at A Company in Song Than Industrial Zone, Binh Duong.

c) In case where products or goods are produced at different locations other than the place of registration of business, the label must be recorded with the address of the place where the products or goods are produced.

For example: Company A's vegetarian noodles are produced at more than one place, it may be recorded as follows:

If they are produced at Factory in Hung Yen, it is recorded that "produced at X Factory in Nhu Quynh Town, Van Lam, Hung Yen ". If they are produced at Factory in Binh Duong, it is recorded that "produced at Y Factory in An Phu Commune, Thuan An, Binh Duong" or "products of Company A, produced in An Phu Commune, Thuan An, Binh Duong".

If addresses of more than one place of production are recorded on the same label, there must be instruction or sign on the label so that the place of production of such goods may be identified.

For example: For washing-powder Hoa Hong of Company A, more than one place of production are recorded as follows: Sai Dong Industrial Zone, Gia Lam, Hanoi; An Phu Commune, Thuan An, Binh Duong. If produced in Sai Dong Industrial Zone, Gia Lam, Hanoi, the label must show the followings:

- First way: "Address of production establishment is next to NSX [means year of manufacture]

BD: An Phu Commune, Thuan An, Binh Duong;

HN: Sai Dong Industrial Zone, Gia Lam, Hanoi

NSX 081106 HN"

- Second way: "Address of production establishment is marked with **x**

An Phu Commune, Thuan An, Binh Duong; ____

Sai Dong Industrial Zone, Gia Lam, Hanoi. **x_**"

Organizations and individuals responsible for labeling may select symbols to mark.

d) Goods produced by two or plenty of organizations or individuals together, the name and address of organization or individual, who conducts the last stage to complete the goods before putting it into circulation, shall be recorded.

In case where an organization or individual conducts the last stages to complete the goods before putting it into circulation such as assembling, packing or bottling, the label must be recorded with name and address of the organization or individual assembling, packing or bottling [the goods] and shall have the right to record the name, or name and address, label of goods, trademark and other contents of the organization or individuals producing the goods before assembling, packing or bottling, if such organization permits to do so.

For example: Computer Company A at house number 100, B Street, Hanoi purchases computer accessories from different sources to assemble computers at Workshop X in Bac Thang Long Industrial Zone, Hanoi for sale, the presentation shall be as follows:

- Assembled at Workshop X – Bac Thang Long Industrial Zone, Hanoi, or

- Products of Computer Company A at house number 100, B Street, Hanoi, assembled at Workshop X – Bac Thang Long Industrial Zone, Hanoi.

For example: Refined sugar is produced at Lam Son Sugar Factory in Thanh Hoa and packed in 50kg bags, if Shop A at house number 70, Street B, Hanoi re-packs sugar into 1kg bags for sale, it shall be recorded as follows:

- Packed at Shop A, house number 70, Street B, Hanoi or

- Produced at Lam Son Sugar Factory in Thanh Hoa, packed at Shop A, house number 70, Street B, Hanoi.

For example: Fish sauce is produced at Company A in Nha Trang and contained in tank. Enterprise D, at house number 80, Street B, Hanoi purchases and bottles so that each bottle is one liter for sale, it may be recorded that:

- Bottled at Enterprise D, at house number 80, Street B, Hanoi, or
- Produced at Company A in Nha Trang, bottled at Enterprise D, at house number 80, Street B, Hanoi.

dd) If goods-production establishment is a member of an organization such as Company, Corporation, Group, Association or another organization, they shall have the right to record name or name, address, goods label, trademark and other contents of that organization on the label when the organization permits, but the address of place of production of the goods shall still have to be recorded.

For example: Electric fans are manufactured at Factory A, Sai Dong, Gia Lam, Hanoi, which belongs to Company B, Corporation C, the label may be recorded as "Coporation C, Company B, manufactured at Factory A, Sai Dong, Gia Lam, Hanoi".

e) In case where the label of goods is additionally recorded with name, address of another organization or individual in order to advertize for the products and goods, the relationship between additionally-recorded organization or individual and such products and goods must be recorded.

For example: Washing powder is produced at Factory A, Bien Hoa Industrial Zone II, Dong Nai Province, but the label is recorded with "Company B" or "Industrial Chemical Institute" or "Vietnam Chemical Association" and Factory A does not belong to Company B, Industrial Chemical Institute or Vietnam Chemical Association, it must be recorded as "Produced for Company B", or "Quality is tested at Industrial Chemical Institute", or "technical advice by Vietnam Chemical Association"

4. Quantity of goods

a) Some units of measurement are used for recording quantity on goods label:

- Unit of measurement of mass: kilogram (kg), gramme (g), milligam (mg) if less than 1kg, unit "g" shall be used (for example: recorded as 500g, not recorded as 0.5kg), if less than 1g, the unit "mg" shall be used (for example: recorded as 500mg, not recorded as 0.5g).

- Units of measurement of volume: liter (l), milliliter (ml). If less than 1 liter, unit "ml" shall be used (for example: recorded as 500ml, not recorded as 0.5 liter).

In case where goods in solid state, units of measurement of volume shall be used such as: cubic meter (m³), cubic decimeter (dm³), cubic centimeter (cm³), cubic millimeter (mm³). If less than 1m³, the unit of "dm³", "cm³" or "mm³" shall be used.

b) Some units of measurement are used to indirectly show the net quantity, actual volume or used to directly show the area or length:

- Units of measurement of area: square meter (m²), square decimeter (dm²), square centimeter (cm²), square millimeter (mm²). If less than 1m², unit of "dm²", "cm²" or "mm²" shall be used.

- Units of measurement of length: meter (m), decimeter (dm), centimeter (cm) or millimeter (mm). If less than 1m, unit of "dm", "cm" or "mm" shall be used.

c) Quantitative units are recorded on the goods label with the full name of or symbol of the measurement unit. For example : recorded as "gram" or "g" ; recorded as "milliliter" or "ml".

5. Date of manufacture, expiry date, preservation period

a) "Date of manufacture", "expiry date", "reservation period" are recorded on the label fully or with their abbreviation in upper-case letter such as: "NSX", "HSD", "HBQ" respectively.

b) Provisions on recording date, month, year with respect to date of manufacture, expiry date, preservation period shall be made in Article 16 of Decree 89/2006/ND-CP.

For example: date manufacture is April 2, 2006 and expiry date is October 2, 2008, the label shall be recorded in accordance with one of the following ways:

- NSX: 020406 HSD: 021008; or
- NSX 02 04 06 HSD 02 10 08; or
- NSX: 02042006 HSD: 02102008; or
- NSX: 02 04 2006 HSD: 02 10 2008; or
- NSX: 02/04/06 HSD: 02/10/08; or
- NSX: 020406 HSD: 30 moths; or
- NSX: 020406 HSD: 30 months as from NSX.

c) In case where "NSX", "HSD" letters are not recorded in conjunction with date, month, year, guidelines must be given on the label.

For example: date of manufacture and expiry date are recorded at the bottom of packing as "020406 021008", the label must be recorded with: See NSX, HSD at the bottom of the packing.

d) In case where "NSX" and "HSD" are recorded in foreign language, the guidelines must be recorded on the label.

For example: The packing is recorded with date of manufacture and expiry date as "MFG 020406 EXP 021008", the label must be recorded as follows: NSX, HSD see "MFG" "EXP" on the packing.

dd) Month of manufacture is recorded in accordance with law, number indicating month and number indicating year shall be recorded.

For example: manufactured in January of 2006, the label shall be recorded with "SX 02/06" or "SX 02/2006"

e) Year of manufacture is recorded in accordance with law, four figures indicating the year shall be recorded.

For example: manufactured in the year of 2006, the label is recorded with "manufactured in the year of 2006" or "year of manufacture: 2006"

g) Expiry date as stipulated in Clause 10, Article 3 of Decree 89/2006/ND-CP may also be presented as Expiration date or Use by dates and Best if used by dates or Best before dates. These expiry dates shall be recorded as follows:

- Expiration date or use by dates) shall be recorded the same as expiry date and shall be abbreviated as "HSD" in accordance with provisions in Points b, c and d of this Clause.

- Best before dates must be fully recorded with words "Best before...". The recording of target time after words "Best before..." shall be conducted in accordance with the provisions at Points b, c or d of this Clause.

6. Ingredients, quantity

Ingredients and quantity shall be recorded in accordance with Article 18 of Decree 89/2006/ND-CP.

a) An amount of water is added to materials for production and processing purpose and it exists in products and goods, the water shall be recorded as an ingredient of the goods.

b) In case where name of an ingredient is recorded on the label of goods to attract attention to the goods, the quantity of this ingredient must be recorded.

For example: The label is recorded with words "High content of calcium", it must be recorded with how much the content of calcium is.

c) Metal household articles or tools are made from main material, which decide the use value, the name of main ingredient shall be recorded in conjunction with the name of goods, ingredient and quantity of ingredient may not be recorded.

For example: If the name of goods which is recorded on the label is plastic basin, leather shoes, flute mat, iron chair, paper towel, rubber buffer or porcelain vase, the ingredient and ingredient quantity shall not be recorded.

7. Information and hygiene and safety warning

Content of information of hygiene and safety warning on the label shall be stipulated in Article 19 and Appendix IV of Decree 89/2006/ND-CP.

Information of hygiene and safety warning may be recorded in letters, pictures and symbols in accordance with the international rules and relevant provisions.

III. IMPLEMENTATION PROVISIONS

1. This Circular shall be of full force and effect after 15 as from the date its publication in Cong Bao.

2. For particular products subject to specialized management, ministries or ministerial equivalent agencies shall promulgate guidelines on detailed contents and labelling of goods after agreeing with the Ministry of Science and Technology.

3. In the course of implementation of this Circular, any arising difficulty should reflect the Ministry of Science and Technology for study and resolution.

ON BEHALF OF MINISTER
Vice Minister
(Signed and sealed)

Tran Quoc Thang